

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JACKIE FISHER	§	
Plaintiff,	§	
	§	
vs.	§	CIVIL ACTION NO. 4:08-cv-01273
	§	
UNIVERSITY OF TEXAS	§	Jury Demanded
MEDICAL BRANCH and	§	
DAVID WATSON	§	
Defendants.	§	

**PLAINTIFF'S OBJECTIONS TO DEFENDANTS' EXHIBITS
AND OPPOSED MOTION TO EXCLUDE**

No.	Def's' DESCRIPTION	PLAINTIFF's OBJECTIONS
D-1	E-mail string between Aguilar/ Watson 5/4/06 UTMB 0215-0218	<p>.Three disjointed unrelated E-mails....nothing about them suggests they are a string or are related</p> <p>.Confusion of the Issues, FED. R. EVID., Rule 403</p> <p>.Authenticity under FED. R. EVID., Rule 901</p> <p>.Hearsay under .FED. R. EVID., Rule 802</p> <p>.Hearsay within Hearsay under .FED. R. EVID., Rule 805</p>

D-2	E-mail from Terri Gibson	<p>.Hearsay under .FED. R. EVID., Rule 802</p> <p>.Hearsay within Hearsay under .FED. R. EVID., Rule 805</p> <p>.Incomplete: “RE: RE: RE:”</p> <p>.In fairness for admissibility, Plaintiff demands introduction of the complete E-mail string under FED. R. EVID., Rule 106 “Remainder of Related Writings or Recorded Statements”</p> <p>.Complete E-mail string not produced as required under Fed.R.Civ.P., Rule 26(a)(3)</p>
D-4	Watson Coaching Session UTMB 0224-225	<p>.Authenticity under FED. R. EVID., Rule 901</p> <p>.Hearsay under .FED. R. EVID., Rule 802</p>
D-5	E-mail from Watson to Gotcher et al 4/28/06 UTMB 0226	<p>.Hearsay under .FED. R. EVID., Rule 802</p> <p>.Hearsay within Hearsay under .FED. R. EVID., Rule 805</p>
D-6	Watson Memo UTMB 0227-0233	<p>.Hearsay under .FED. R. EVID., Rule 802</p> <p>.Hearsay within Hearsay under .FED. R. EVID., Rule 805</p> <p>.Authenticity under FED. R. EVID., Rule 901</p>
D-7	Watson E-mail to Fisher 4/3/06 UTMB 0234-0235	<p>.Hearsay under .FED. R. EVID., Rule 802</p> <p>.Hearsay within Hearsay under .FED. R. EVID., Rule 805</p>
D-8	E-mail String between Watson & Cotton 5/1/06 UTMB 0236-0238	<p>.Hearsay under .FED. R. EVID., Rule 802</p> <p>.Hearsay within Hearsay under .FED. R. EVID., Rule 805</p>
D-9	E-mail String between Watson & Cotton 9/7/05 UTMB 0239-0242	<p>.Hearsay under .FED. R. EVID., Rule 802</p> <p>.Hearsay within Hearsay under .FED. R. EVID., Rule 805</p>

D-10	E-mail String from Melton to Watson 4/7/06 UTMB 0250	.Hearsay under .FED. R. EVID., Rule 802 .Hearsay within Hearsay under .FED. R. EVID., Rule 805
D-11	E-mail String between Watson and McCarty UTMB 4/7/06 UTMB 0256	.Hearsay under .FED. R. EVID., Rule 802 .Hearsay within Hearsay under .FED. R. EVID., Rule 805
D-12	Watson Reply to Williams UTMB 0257-0276	.Hearsay under .FED. R. EVID., Rule 802 .Hearsay within Hearsay under .FED. R. EVID., Rule 805
D-13	Pipkin Memo 9/18/06 UTMB 0278-0279	.Hearsay under .FED. R. EVID., Rule 802 .Hearsay within Hearsay under .FED. R. EVID., Rule 805 .Authenticity under FED. R. EVID., Rule 901
D-14	Undated, Unsigned Memo UTMB 0281-0282	.Hearsay under .FED. R. EVID., Rule 802 .Hearsay within Hearsay under .FED. R. EVID., Rule 805 .Authenticity under FED. R. EVID., Rule 901
D-15	Undated unsigned memo UTMB 0283-0284	.Hearsay under .FED. R. EVID., Rule 802 .Hearsay within Hearsay under .FED. R. EVID., Rule 805
D-16	Purported E-mails to Fisher and Gotcher	.Hearsay under .FED. R. EVID., Rule 802 .Hearsay within Hearsay under .FED. R. EVID., Rule 805 .Authenticity under FED. R. EVID., Rule 901
D-24		.Duplicate of Exhibit D-17

D-27	Watson E-mail to Gotcher 01-09-06 UTMB 0399	.Hearsay under .FED. R. EVID., Rule 802 .Hearsay within Hearsay under .FED. R. EVID., Rule 805 .Authenticity under FED. R. EVID., Rule 901
D-29	Watson Memo to Mysliurec 08-22-04 UTMB 402-402	.Hearsay under .FED. R. EVID., Rule 802 .Hearsay within Hearsay under .FED. R. EVID., Rule 805 .Authenticity under FED. R. EVID., Rule 901 .Relevance under FED. R. EVID., Rule 402
D-33	Undated Unsigned Document UTMB 0583-592	.Hearsay under .FED. R. EVID., Rule 802 .Hearsay within Hearsay under .FED. R. EVID., Rule 805 .Authenticity under FED. R. EVID., Rule 901
D-34	Undated Unsigned Document UTMB 0593-0601	.Hearsay under .FED. R. EVID., Rule 802 .Hearsay within Hearsay under .FED. R. EVID., Rule 805 .Authenticity under FED. R. EVID., Rule 901
D-35	Undated, Unsigned documents UTMB 0614-0617	.Hearsay under .FED. R. EVID., Rule 802 .Hearsay within Hearsay under .FED. R. EVID., Rule 805 .Authenticity under FED. R. EVID., Rule 901
D-37	Darby E-mail to Gotcher 01-27-06 UTMB 0674-0676	.Hearsay under .FED. R. EVID., Rule 802 .Hearsay within Hearsay under .FED. R. EVID., Rule 805

D-38	E-mails Aguilar/Watson 01-06-06 UTMB 0679-0676	.Hearsay under .FED. R. EVID., Rule 802 .Hearsay within Hearsay under .FED. R. EVID., Rule 805 .Authenticity under FED. R. EVID., Rule 901
D-39	E-mail Watson to Radar 01-13-06 UTMB 0688-0695	.Hearsay under .FED. R. EVID., Rule 802 .Hearsay within Hearsay under .FED. R. EVID., Rule 805
D-40	Letter from Anderson 01-15-06 UTMB 0736-0737	.Hearsay under .FED. R. EVID., Rule 802 .Hearsay within Hearsay under .FED. R. EVID., Rule 805
D-42	Dated Excel Sheet UTMB 854	.Authenticity under FED. R. EVID., Rule 901 .Impermissible Summary without supporting documentation produced as required under Fed. R.Civ. P Rule 26(a)(3)
D-43	Report of Melvin Williams without attachments 02-15-07 No Bates Stamp	.In fairness for admissibility, Plaintiff demands introduction of the complete Report including attachments under FED. R. EVID., Rule 106 “Remainder of Related Writings or Recorded Statements” .Complete Report and attachments not produced as required under Fed. R.Civ. P Rule 26(a)(3) .See P-44
D-44	Unsupported Excel Spread Sheet UTMB 1001	.Authenticity under FED. R. EVID., Rule 901 .Impermissible Summary without supporting documentation produced as required under Fed. R.Civ. P Rule 26(a)(3)

D-45	Unsupported Excel Spread Sheet UTMB 1002	.Authenticity under FED. R. EVID., Rule 901 .Impermissible Summary without supporting documentation produced as required under Fed. R.Civ. P Rule 26(a)(3)
D-46	Fisher Performance Eval 06-06	.In fairness for admissibility, Plaintiff demands introduction of the complete Report including attachments under FED. R. EVID., Rule 106 “Remainder of Related Writings or Recorded Statements” .Missing Page one and Fisher responses .Authenticity under FED. R. EVID., Rule 901 .See P-75
D-54	EEOC Undocumented Interview notes	.Hearsay under .FED. R. EVID., Rule 802 .Hearsay within Hearsay under .FED. R. EVID., Rule 805
D-57	Depo Exhibit	.Not deposition Exhibit as represented .Hearsay under .FED. R. EVID., Rule 802 .Hearsay within Hearsay under .FED. R. EVID., Rule 805 .Authenticity under FED. R. EVID., Rule 901
D-58	Darby E-mail	.Hearsay under .FED. R. EVID., Rule 802 .Hearsay within Hearsay under .FED. R. EVID., Rule 805
D-62	E-mail 3-25-06	.Duplicate D-18
D-64	E-mail 04-03-06	.Duplicate d-7

D-67	UTMB Policy 06-09-09	. Relevance under FED. R. EVID., Rule 402 .Not of a relevant time period
D-68	Excel Spread Sheet	.Hearsay under .FED. R. EVID., Rule 802 .Hearsay within Hearsay under .FED. R. EVID., Rule 805 .Authenticity under FED. R. EVID., Rule 901 .Impermissible Summary without supporting documentation produced as required under Fed. R.Civ. P Rule 26(a)(3)
D-70	Excel Spread Sheet	.Hearsay under .FED. R. EVID., Rule 802 .Hearsay within Hearsay under .FED. R. EVID., Rule 805 .Authenticity under FED. R. EVID., Rule 901 .Impermissible Summary without supporting documentation produced as required under Fed. R.Civ. P Rule 26(a)(3)

Respectfully submitted,

By: /s/ Jo Miller

JO MILLER
Attorney-in-Charge
Texas Bar No. 00791268
Southern District Bar No: 20385
The Parsonage at 505 North Main
Carriage House
Conroe, Texas 77301
Tel. (936) 539-4400
Fax: (936) 539-4409
Attorney-in-Charge for Plaintiff
Jackie Fisher

CERTIFICATE OF CONFERENCE

I certify that on February 19, 2010, I personally contacted Defendant's counsel, Sam Lively, by telephone and he opposes these Objections and Motion to Strike Defendants' Exhibits.

/s/ Jo Miller

JO MILLER

NOTICE OF ELECTRONIC FILING

I, Jo Miller, do hereby certify that I have electronically submitted for filing, a true and correct copy of the above and foregoing document in accordance with the Electronic Case Files System of the Southern District of Texas, on this the 21st day of February, 2010.

/s/ Jo Miller

JO MILLER

CERTIFICATE OF SERVICE

I hereby certify that, a true and correct copy of the foregoing was served electronically to Defendants' counsel of record as follows:

Sam Lively
sam.lively@oag.state.tx.us
Assistant Attorney General
General Litigation Division
P.O. Box 12548, Capitol station
Austin, Texas 78711
Tel: (512)463-2120

/s/ Jo Miller

Jo Miller, Attorney for Jackie Fisher